

#11460

AGREEMENT

THIS AGREEMENT is made this 7th day of October 1998 by and between the Lalibela Restaurant (the "Applicant"), the Rhode Island Avenue West Association, and the Advisory Neighborhood Commission ("ANC"),

RECITALS

1. The Lalibela Restaurant is located at 1415 14th St. N.W., Washington, D.C. and has applied for a renewal of its liquor license from the Alcoholic Beverages Control Board ("ABC"). The pending application number is 11460.
2. The Rhode Island Avenue West Association is a neighborhood association representing owners of residential properties on the 1300 block of P Street N.W., the 1500 block of Kingman Pl. N.W., and the 1300 and 1400 blocks of Rhode Island Ave. N.W.
3. The ANC is an elected citizen's advisory body for the section of Ward 2 in which Lalibela is located.

After discussions between and among the parties and in consideration of the promises, agreement has been reached as follows:

The Applicant will operate pursuant to the terms of its current application with the following amendment and restriction: no music is permitted in the outside dining area, and no dancing is allowed.

In recognition of the above agreement The Rhode Island Avenue West Association and the ANC support this license application.

For Lalibela Restaurant:

Taye Wogederes

Tayewogederes

For Rhode Island Avenue West:

Tim Hillard, Chair

[Signature]

For ANC: **2F**

Helen Kramer, Chair

[Signature]

WITNESSES

**ALCOHOLIC BEVERAGE CONTROL
VOLUNTARY AGREEMENT
PREMISE ADDRESS: 1415 14TH STREET, NW
APPLICATION NO. 29925 License Class: "CR"**

This Voluntary Agreement (the "Agreement") is made this 14TH day of August 1999 by and between Advisory Neighborhood Commission 2F (hereinafter the "Protestant") and Lalibela, Inc., t/a Lalibela (the "Applicant") for a substantial change in operation at the premises located at 1415 14th Street, NW, Washington, DC (the "Establishment").

WITNESSETH

Whereas, pending before the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") is the Applicant's application number 29925 for a substantial change in the operation of the Establishment to permit a sidewalk café (seating capacity 20); and

Whereas, the parties to this Agreement have worked together in the past to ensure that the operations of the Establishment do not undermine the peace, order and quiet of the adjacent residential neighborhood;

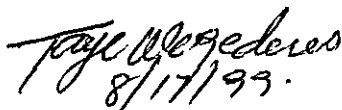
Now therefore, in consideration of the premises recited above and the covenants and promises set forth below, the parties agree as follows:

1. **Hours of Outdoor Operation.** The Applicant will operate the Establishment pursuant to the terms of its current license, including provisions of the Voluntary Agreement dated 7 October 1998 (attached), with the following amendments and restrictions:
 - a. On Sunday through Thursday nights, no alcoholic beverage service is permitted on the sidewalk café after 1100 PM, and the sidewalk café shall be fully closed by 1200 PM.
 - b. On Friday and Saturday nights, no alcoholic beverage service is permitted on the sidewalk café after midnight, and the sidewalk café shall be fully closed by 1:00 AM.
2. **Conditions of the Liquor License.** The provisions of this Voluntary Agreement shall become a part of the conditions of the Liquor License and shall remain in force upon renewal or transfer of the Liquor License.

3. **Issues Arising from this Agreement.** The Parties to this agreement shall make good faith efforts to resolve amongst themselves any issues arising from this agreement prior to seeking action from the ABC Board. Should an issue not be successfully resolved by the Parties, the Protestant may file a complaint with the ABC Board, describing the alleged violation of the voluntary agreement and requesting the ABC Board to conduct a formal hearing to determine the validity of the complaint. The Protestant must notify the Applicant in writing at least thirty (30) days in advance of seeking ABC action. The Applicant is aware that applicable DC law permits the ABC Board to take appropriate action, including suspension or revocation of the Liquor License, due to failure to comply with the terms of this Voluntary Agreement.

The Protestant hereby withdraws its protest of the Application and agrees to provide whatever further evidence of said withdrawal that may be required by the Board.

For Lalibela Restaurant


8/17/93.

Taye Wogederes

For ANC 2F



David Stephens, Vice-Chair

110 0500 7

ANC 2F Advisory Neighborhood Commission 2F
Government of the District of Columbia
P.O. Box 9348, Mid-City Station, Washington, DC 20005
Telephone: (202) 842-7671 Fax: (202) 842-7672

1999 AUG 30 PM 4: 29

COMMISSIONERS:

2F01 David Stephens, *Vice Chair*
2F02 Jim Brandon, *Treasurer*
2F03 Vacant
2F04 Helen M. Kramer, *Secretary*
2F05 Leslie Miles, *Chair*
2F06 Rodney Foxworth

August 23, 1999

Mr. Paul E. Waters, Esquire
Program Manager
Alcohol Beverage Control Division
941 North Capitol Street, NE Room 7159
Washington, DC 20002

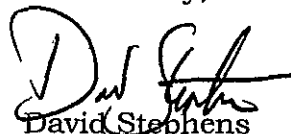
RE: Case No. 29925-99070, Ret. CR – Substantial Change
Lalibela, Inc., t/a Lalibela, 1415 14th Street, NW

Dear Mr. Waters:

ANC 2F is pleased to inform the ABC Board that the Commission and Lalibela Restaurant have concluded a Voluntary Agreement (enclosed) concerning Lalibela's request for a substantial change to its ABC license. With signature of this agreement, ANC 2F withdraws its protest in the above-referenced matter.

ANC 2F also wishes to extend its thanks to Mr. Fred Moosally for helping the parties successfully conclude the final agreement.

Sincerely,


David Stephens
Vice-Chair

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Lalibela, Inc.
t/a Lalibela

Application for a Retailer's Class
CR License (substantial change)
at premises
1415 - 14th Street, N.W.
Washington, D.C.

)
)
)
) Case No. 29925-99070P
)
)
)
)
)
)

David Stephens, Vice Chair, Advisory Neighborhood Commission 2F, Protestant

Taye Wogederes, President, on behalf of Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA ABBOTT, MEMBER
ALLEN BEACH, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
MAX SALAS, MEMBER
JOSEPH WRIGHT, MEMBER**

ORDER ON WITHDRAWN PROTEST

The request to amend the application to include a sidewalk café with a seating capacity of 20 was protested and came before the Board for public hearing on June 23, 1999, in accordance with D.C. Code Section 25-115 (c)(5)(1999 Supp.), providing for the protestants to be heard. David Stephens, Vice Chair, Advisory Neighborhood Commission 2F, filed timely opposition by letter dated June 8, 1999.

The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated August 17, 1999, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned.

Accordingly, it is this 27th day of September 1999, **ORDERED** that:

1. The protest of David Stephens, Vice Chair, Advisory Neighborhood Commission 2F, be, and the same hereby, is **WITHDRAWN**;


Lalibela, Inc.
t/a Lalibela
Page two

2. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;

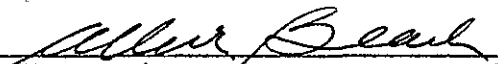
3. The request to amend the application of Lalibela, Inc. t/a Lalibela to include a sidewalk café with a seating capacity of 20 for a retailer's class CR license at premises 1415 - 14th Street, N.W., be, and the same hereby, is **GRANTED**; and,

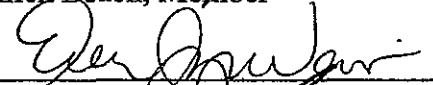
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Oppenheimer, Esquire, Member


Max Sams, Member


Joseph Wright, Member